REMARKS/ARGUMENTS

Claims 1-8 are pending in the present application. Claims 5-7 are rejected under 35 USC § 102(e) as anticipated by Cozens et al. (US Pat No 6,533,556). Claims 1-4 and 8 are rejected under 35 USC § 103(a) as being unpatentable over Betz (US Pat. No. 5,165,233) in view of Cozens. Applicant asserts that all claims contain allowable subject matter and respectfully request reconsideration of the rejections.

Claims 5-7 are rejected under 35 USC § 102(e) as being anticipated by Cozens. Independent claim 5 has been amended to require in part: "a first outlet in fluid communication with a first hydraulic circuit and in fluid communication with the first pressure region, a second outlet in fluid communication with a second hydraulic circuit and in fluid communication with the second pressure region". The Cozens patent does not teach the use of the plurality of regions as claimed nor the connection between the regions and the first and second outlets. Instead Cozens teaches vanes 48 that pass an inlet recess 56a,b to draw hydraulic fluid into an expanding pump chamber 58. Col. 4, lines 19-39. The fluid is held between the vanes 48 and is carried to an outlet recess where a decreasing radius of inwardly directed wall 52 causes fluid to be expelled through an axial port 62a. Further, the balance of fluid is carried to the recess 68b where further reduction in radius causes additional fluid to be expelled. Thus Cozens does not teach the specific plurality of regions as amended claim 5 now requires or the connection of the outlets to specific regions. As a result, each and every limitation of amended claim 5 is not taught by the prior art reference and Applicant asserts the rejection is overcome.

Claims 1-4 and 8 are rejected under 35 USC § 103(a) as being unpatentable over Betz in view of Cozens. Applicant asserts that a *prima facie* of obviousness has not been shown as a combination of the prior art references would not result in the invention as claimed. Claim 1 in part requires "an auxiliary circuit in fluid communication with the second outlet". Betz does not teach this arrangement. Instead Betz teaches a charge pump 26 that has a single outlet connected by line 34 to a priority valve 36 wherein the valve supplies flow to an auxiliary circuit 27 or alternatively a hydrostatic loop. (Col. 3, lines 28-51). Thus Betz teaches a single outlet that supplies to circuits with hydraulic fluid by using a priority valve 36. Betz does not teach a second outlet that is in fluid communication with a auxiliary circuit.

Cozens does not cure Betz as Cozens similarly does not teach an auxiliary circuit in fluid communication with the second outlet. Instead Cozens teaches a pump 14 with outlets 20a, 22a, 20b, and 22b wherein each set of outlets 20a, 22a and 20b, 22b supply fluid to a valve 24a or 24b to direct fluid to a hydraulic motor 26a or 26b. Thus Cozens does not teach an auxiliary circuit and instead teaches two hydraulic circuits to power two hydraulic motors. There is no teaching of an auxiliary circuit or use of an outlet in fluid communication with an auxiliary circuit. Thus a combination of the Betz and Cozens references will not result in the hydraulic system that has a second outlet in fluid communication with an auxiliary circuit. As a result Applicant asserts that claim 1 is patentable over these prior art references.

Applicant additionally asserts that there is not a motivation to combine the Betz and Cozens references to arrive at the claimed invention. Specifically the Betz reference

teaches using a priority valve 36 in order to redirect fluid flow from a <u>charge pump</u> 26 to an auxiliary circuit. As indicated in the present application the problem with Betz is the pressure drop from the auxiliary circuit which creates power losses associated with the priority valve. (Page 1, line 26 through Page 2, line 3). Thus the solution is to provide an extra outlet at the charge pump and eliminate the priority valve.

The Cozens reference does not teach the use of a charge pump or using dual outlets in a charge pump in order to minimize power losses associated with a priority valve to eliminate the valve. Instead Cozens teaches using the dual outlets on a hydraulic pump to power multiple hydraulic motors and is not concerned with charge pumps or auxiliary circuits. The only reason one skilled in the art would use the pump of Cozens as a charge pump to provide fluid to an auxiliary circuit comes from Applicant's disclosure and is not taught within the prior art references.

As a result Applicant asserts that there was not a reason to combine the prior art references either taught within the references themselves or that is within the skill of the art at the time of applicant's disclosure. Instead Applicant's disclosure must be used as a blueprint and the references must be taken as naked pieces and reconstructed using applicant's disclosure as an instruction manual to arrive at the claimed invention. Therefore, Applicant asserts there is no motivation to combine the references and that claim 1 is allowable subject matter. Thus Applicant respectfully requests all rejections to the claims be withdrawn. Additionally dependent claims 2-4 depend on claim 1 and dependent claims 6-8 depend on claim 5 and for at least this reason should also be considered in allowable
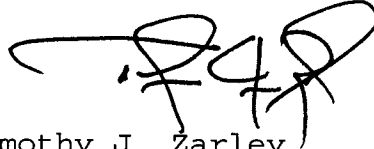
form.   Thus Applicant respectfully requests the rejections be withdrawn and a Notice of Allowance be provided regarding all claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

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